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Caesars Entertainment, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RICHARD GIBSON, and ROBERTO MANZO,

Plaintiffs,

v.

CENDYN GROUP, LLC, THE RAINMAKER  
GROUP UNLIMITED, INC., CAESARS  
ENTERTAINMENT INC., TREASURE  
ISLAND, LLC, WYNN RESORTS HOLDINGS,  
LLC, BLACKSTONE, INC., BLACKSTONE  
REAL ESTATE PARTNERS VII L.P., JC  
HOSPITALITY, LLC,

Defendants.

Case No. 2:23-cv-00140-MMD-DJA

**DECLARATION OF BORIS  
BERSHTEYN**

1 I, Boris Bershteyn, declare as follows:

2 1. I am a partner at Skadden, Arps, Slate, Meagher & Flom LLP, admitted *pro hac vice*  
3 as counsel for Defendant Caesars Entertainment, Inc. in the above-captioned matter.

4 2. I make this declaration in support of Defendants' Joint Motion for Leave to Exceed  
5 Page Limits For Defendants' Joint Motion To Dismiss The First Amended Class Complaint With  
6 Prejudice.

7 3. I am competent to testify to the facts stated here, which are based on personal  
8 knowledge, and if called upon to testify, I could and would testify competently to the following.

9 4. On October 24, 2023, this Court dismissed plaintiffs' complaint, concluding that it  
10 "suffers from numerous pleading deficiencies" and "fatal" defects in attempting to allege an  
11 antitrust conspiracy. *Gibson v. MGM Resorts Int'l*, No. 23-CV-00140 (MMD), 2023 WL 7025996,  
12 at \*1-3 (D. Nev. Oct. 24, 2023).

13 5. On November 27, 2023, plaintiffs filed a First Amended Class Action Complaint.  
14 (ECF No. 144 ("FAC").) The FAC spans 217 pages and includes 370 paragraphs of allegations.  
15 The FAC also includes 33 pages of additional material in two appendices. The FAC more than  
16 triples the size of plaintiffs' first complaint (ECF No. 1), which included 95 paragraphs of  
17 allegations across 27 pages. (*Id.*) In addition to the hub-and-spoke theory alleged in the first  
18 complaint (*id.*), the FAC also brings a new claim for relief based on allegations of a set of vertical  
19 agreements (FAC ¶¶ 361-70).

20 6. Defendants' responses to the FAC are due by February 14, 2024. (ECF No. 150.)  
21 This Joint Motion is submitted in advance of this deadline.

22 7. Defendants anticipate filing a joint motion to dismiss addressing the FAC's  
23 deficiencies that are common to all defendants. Good cause exists for a modest extension of six  
24 pages to the page limit set by LR 7-3, so that defendants are able to fully and adequately address  
25 the FAC's additional factual allegations and its newly added legal theory.

26 8. Thus, defendants respectfully request that the Court allow them to exceed the 24-  
27 page limit of LR 7-3 by six pages in their joint motion to dismiss.

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1           9.       Defendants' counsel have conferred with counsel for plaintiffs, who refused to  
2 consent to the requested additional page extension.

3           10.       The Joint Motion is made for a proper purpose and supported by good cause, as set  
4 forth above.

5           I declare under penalty of perjury under 28 U.S.C. § 1746 and the law of the State of  
6 Nevada, that the foregoing is true and correct.

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8 Dated: February 9, 2024

/s/ Boris Bershteyn

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Boris Bershteyn

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